

REMARKS

The Office Action mailed October 11, 2001, has been reviewed and certain amendments are herein requested to the claims. For the reasons set forth below, it is believed that the claims now pending in the application are condition for allowance.

Rejection of Claims 26, 27, 30, and 31 Under 35 U.S.C. § 112, First Paragraph

In the Office Action mailed October 11, 2001, the Examiner rejected claims 26, 27, 30, and 31 under 35 U.S.C. §112, first paragraph. In support of the rejection the Examiner stated:

Claims 26, 27, 30, and 31 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a display surface of "a pane of glass, such as in a window, the top surface of a table, or a wall" (substitute specification page 11 lines 14-17), does not reasonably provide enablement for a wall made of a pane of glass (Claims 26 and 30 dependent upon Claims 25 and 29, respectively) or a table top made of a pane of glass (Claims 27 and 31 dependent upon Claims 25 and 29, respectively). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. Examiner considers Applicant's substitute specification to enable the display surface to be either a pane of glass, a top surface of a table, or a wall but not two of these limitations simultaneously.

Applicant respectfully submits that the Examiner's rejection of claims 26, 27, 30, and 31 under 35 U.S.C. § 112, first paragraph, is obviated in part and overcome in part. That is, the rejection of claims 26 and 27 is obviated by the amendment of claims 26 and 27. Claims 26 and 27 have been amended to depend directly from claim 1 so that claims 26 and 27 do not include the limitation of claim 25 and thereby eliminate the Examiner's concerns that the specification does not enable any person skilled in the art to use the

invention commensurate in scope with these claims. Applicant respectfully submits that the Examiner's rejection of claim 30 and 31 is overcome in that claims 30 and 31 as originally submitted each depend directly from independent claim 28. As such, claims 30 and 31 do not include the limitation of claim 29 as contended by the Examiner.

In view of the above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 26, 27, 30, and 31 under 35 U.S.C. § 112, first paragraph.

Rejection of Claim Under 35 U.S.C. § 103(a)

In the Office Action dated October 11, 2001, the Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Benoist (U.S. Patent No. 3,657,840). In support of the rejection, the Examiner stated:

As to Claim 1, Benoist discloses a floral grouping display assembly (Figs. 1-3) comprising a floral grouping (flowers, col. 1 line 61); and a sheet of material (1 of Fig. 2) wrapped about at least of the stem end of the floral grouping, substantially the entire length of the wrapped floral grouping is visibly displayed (Fig. 2). Benoist further discloses the floral grouping hung vertically (col. 2 lines 13-16). Not disclosed is a display surface. Examiner takes official notice that it is old and notoriously well known in the horticultural retail art to hang display assemblies on the wall for display. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist by having it on the wall so as to entice buyers to buy.

For the reasons set forth below, the Examiner's rejection of claim 1 under 35 U.S.C. § 103(a) is respectfully traversed. That is, it is respectfully submitted that the prior art reference of Benoist does not disclose, teach, or even suggest the floral grouping display assembly recited in claim 1, as amended. More specifically, Benoist does not suggest a floral grouping display assembly including a sheet of material wrapped about at least a

portion of the stem end of the floral grouping so that the bloom end of the floral grouping is exposed and the sheet of material being releasably connected to a display surface to display the floral grouping on the display surface so that substantially the entire length of the wrapped floral grouping is visibly displayed on the display surface.

The Benoist reference discloses a display unit for flowers which includes a strip of porous material, such as cardboard, that the stems of the flowers are fixed on. The flower or flowers are then positioned in a transparent plastic bag which is welded closed so that the humid atmosphere is retained within the watertight plastic bag. To this end, the Benoist reference does not disclose a floral grouping display assembly including a sheet of material wrapped about at least a portion of the stem end of the floral grouping so that the bloom end of the floral grouping is exposed.

Applicant submits that if one were to modify the display unit of Benoist so that the bloom end of the floral grouping were exposed, one would destroy the intended function of the Benoist reference. That is, if the bag of Benoist were modified so that the bloom end of the floral grouping was exposed while the floral grouping were being displayed, the floral grouping would no longer be retained in a watertight enclosure as intended by Benoist to control the atmosphere of the floral grouping.

For this reason, Applicant respectfully submits that Benoist does not provide the necessary teaching or incentive to one of ordinary skill in the art to make the required modifications to the Benoist reference. In fact, the Benoist reference teaches away from the Examiner's proposed modification since such a modification destroys the purpose or function of the invention disclosed in the Benoist reference. As such, there is no

suggestion to modify the bag of Benoist in a manner which produces Applicant's claimed invention.

In view thereof, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1, as amended, under 35 U.S.C. § 103(a).

Rejection of Claims 25-27 Under 35 U.S.C. § 103(a)

In the Office Action mailed October 11, 2001, the Examiner rejected claims 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Benoist (U.S. Patent No. 3,657,840) in view of Braddock (U.S. Patent No. 342,675). In support of the rejection, the Examiner stated:

As to claim 25, the limitations of Claim 1 are disclosed as described above. Not disclosed is the display surface a pane of glass. Braddock, however, discloses a floral display surface made of a pane of glass (Figs. 1-3; col. 2 lines 62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by using a glass display surface as disclosed by Braddock to achieve a pleasant viewing of the floral arrangement.

As to Claim 26, Benoist as modified by Braddock further disclose a wall (see rejection of Claim above). Mirrored walls are old and notoriously well known in the retail trade. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by Braddock by using a glass wall as a display surface since these are known in the retail trade to entice sales.

As to claim 27, Examiner takes official notice that it is old and notoriously well known to cover a table with a pane of glass in the flower shop art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by Braddock by using a table with a protective glass top to display floral arrangements so as to protect the table top.

Applicant respectfully submits that the above-stated rejection of claim 1 under 35 U.S.C. § 103(a) is traversed.

For the reasons set forth above, it is respectfully submitted that the Braddock reference does not disclose the combination recited in Applicant's claim 1, as amended, and for the same reasons such reference does not render obvious the combination recited in claims 25-27 which depend directly from amended claim 1. The comments concerning the teachings of Benoist will not be reiterated herein, but such are deemed relevant to the Examiner's rejection of claims 25-27, and are therefore expressly incorporated herein by reference.

Applicant submits that Braddock does not supply the deficiencies of Benoist. Braddock discloses a plate adapted to be used with a flower vase. The plate is connected to the vase and provided with an opening through which the bloom end of a floral grouping extends. The plate provides a background for the flowers extending from the plate.

Applicant respectfully submits that the Braddock reference does not provide the necessary teaching or incentive to one of ordinary skill in the art to make the required modifications to the Benoist reference. In fact, the Braddock reference teaches away from the Examiner's proposed modification since such a modification destroys the purpose or function of the invention disclosed in the Benoist reference. As such, there is no suggestion to modify the bag of Benoist in a manner which produces Applicant's claimed invention.

In view thereof, Applicant respectfully requests that the Examiner withdraw the rejection of claims 25-27.

Rejection of Claim 28 under 35 U.S.C. 103(a)

In the Office Action mailed October 11, 2001, the Examiner rejected claim 28 under 35 U.S.C. § 103(a) as being unpatentable over Benoist (U.S. Patent No. 3,657,840). In support of the rejection the Examiner stated:

As to Claim 28, Benoist discloses a floral grouping display assembly (Figs. 1-3) comprising a floral grouping (flowers, col. 1 line 61); and a sheet of material (1 of Fig. 2) wrapped about at least of the stem end of the floral grouping, substantially the entire length of the wrapped floral grouping is visible displayed (Fig. 2). Benoist further discloses the floral grouping hung vertically (col. 2 lines 13-16) and substantially the entire bloom and stem ends visible (see Fig. 3). Not disclosed is a display surface. Examiner takes official notice that it is old and notoriously well know in the horticultural retail art to hang display assemblies on the wall for display. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist by having it on the wall so as to entice buyers to buy.

For the reasons set forth below, the Examiner's rejection of claim 28 under 35 U.S.C. § 103(a) is respectfully traversed. That is, it is respectfully submitted that the prior art reference of Benoist does not disclose, teach, or even suggest the floral grouping display assembly recited in claim 28, as amended. More specifically, Benoist does not suggest a floral grouping display assembly including sheet of material formed to define a container and the floral grouping disposed in the container with the bloom end of the floral grouping exposed.

As discussed above, the Benoist reference discloses a display unit for flowers which includes a strip of porous material, such as cardboard, that the stems of the flowers are fixed on. The flower or flowers are then positioned in a transparent plastic bag which is welded closed so that the humid atmosphere is retained within the watertight plastic bag.

To this end, the Benoist reference does not disclose a floral grouping display assembly having a container in which at least a portion of the stem end of a floral grouping is disposed with the bloom end of the floral grouping exposed.

Applicant submits that if one were to modify the display unit of Benoist so that the bloom end of the floral grouping were exposed, one would destroy the intended function of the Benoist reference. That is, if the bag of Benoist were modified so that the bloom end of the floral grouping was exposed while the floral grouping were being displayed, the floral grouping would no longer be retained in a watertight enclosure as intended by Benoist to control the atmosphere of the floral grouping.

For this reason, Applicant respectfully submits that Benoist does not provide the necessary teaching or incentive to one of ordinary skill in the art to make the required modifications to the Benoist reference. In fact, the Benoist reference teaches away from the Examiner's proposed modification since such a modification destroys the purpose or function of the invention disclosed in the Benoist reference. As such, there is no suggestion to modify the bag of Benoist in a manner which produces Applicant's claimed invention.

In view thereof, Applicant respectfully requests that the Examiner withdraw the rejection of claim 28, as amended, under 35 U.S.C. § 103(a).

Rejection of Claims 29-31 Under 35 U.S.C. § 103(a)

In the Office Action dated October 11, 2001, the Examiner rejected claims 29-31 under 35 U.S.C. § 103(a) as being unpatentable over Benoist (U.S. Patent No. 3,657,840)

in view of Braddock (U.S. Patent No. 342,6275). In support of the rejection, the Examiner stated:

As to Claim 29, the limitations of Claim 28 are disclosed as described above. Not disclosed is the display surface a pane of glass. Braddock, however, discloses a floral display surface made of a pane of glass (Figs. 1-3; col. 2 lines 62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by using a glass display surface as disclosed by Braddock to achieve a pleasant viewing of the floral arrangement.

As to Claim 30, Benoist as modified by Braddock further disclose a wall (see rejection of Claim 1 above). Mirrored walls are old and notoriously well known in the retail trade. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by Braddock by using a glass wall as a display surface since these are known in the retail trade to entice sales.

As to Claim 31, Examiner takes official notice that it is old and notoriously well known to cover a table with a pane of glass in the flower shop art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display assembly of Benoist as modified by Braddock by using a table with a protective glass top to display floral arrangements so as to protect the table top.

Applicant respectfully submits that the above-stated rejection of claim 28 under 35 U.S.C. § 103(a) is traversed.

For the reasons set forth above, it is respectfully submitted that the Braddock reference does not disclose the combination recited in Applicant's claim 28, as amended, and for the same reasons such reference does not render obvious the combination recited in claims 29-31 which depend directly from amended claim 28. The comments concerning the teachings of Benoist will not be reiterated herein, but such are deemed relevant to the Examiner's rejection of claims 29-31, and are therefore expressly incorporated herein by reference.

Applicant submits that Braddock does not supply the deficiencies of Benoist. Braddock discloses a plate adapted to be used with a flower vase. The plate is connected to the vase and provided with an opening through which the bloom end of a floral grouping extends. The plate provides a background for the flowers extending from the plate.

Applicant respectfully submits that the Braddock reference does not provide the necessary teaching or incentive to one of ordinary skill in the art to make the required modifications to the Benoist reference. In fact, the Braddock reference teaches away from the Examiner's proposed modification since such a modification destroys the purpose or function of the invention disclosed in the Benoist reference. As such, there is no suggestion to modify the bag of Benoist in a manner which produces Applicant's claimed invention.

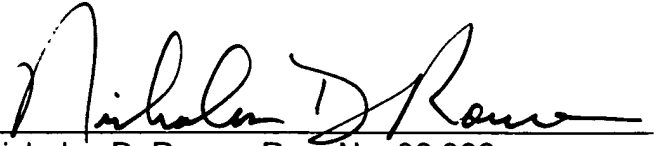
In view thereof, Applicant respectfully requests that the Examiner withdraw the rejection of claims 29-31.

Summary

It is respectfully submitted that this application, as now amended, is in condition for allowance for the reasons stated above. Therefore, it is requested that the Examiner reconsider each and every rejection as applicable to the claims now pending in the application and pass such claims to issue.

This amendment is intended to be a complete response to the Office Action mailed
October 11, 2001.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas D. Rouse", written over a horizontal line.

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Version with Markings to Show Changes Made

Please amend the claims as follows:

1. (Twice Amended) A floral grouping display assembly, comprising:

a display surface;

a floral grouping having a bloom end and a stem end; and

a sheet of material wrapped about at least a portion of the stem end of the floral grouping so that the bloom end of the floral grouping is exposed, the sheet of material being releasably connected to the display surface to display the floral grouping on the display surface so that substantially the entire length of the wrapped floral grouping is visibly displayed on the display surface.

26. (Amended) The floral grouping display assembly of claim [25] 1 wherein the display surface is a wall.

27. (Amended) The floral grouping display assembly of claim [25] 1 wherein the display surface is a table top.

28. (Amended) A floral grouping display assembly, comprising:

a display surface;

a floral grouping having a bloom end and a stem end; and

a transparent sheet of material formed to define a container, **[in which]** the floral grouping **[is]** disposed in the container with the bloom end of the floral grouping exposed, the sheet of material being releasably connected to the display surface to display the floral grouping on the display surface so that substantially the entire **[bloom end and stem end]** length of the floral grouping is visibly displayed on the display surface.